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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 09/348,495 | 07/07/1999 | JACOBUS CORNELIS HAARTSEN | 040070-438 | 5322 |

21839 7590 02/10/2003

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EXAMINER

WAITE, SCOTT A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2663

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,495

Applicant(s)

HAARTSEN, JACOBUS CORNELIS

Examiner

Scott A. Waite

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10-14, 16-18, 22 and 24 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 9, 15, 19-21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 10-14 & 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Doshi et al (USPN 6,055,242). In regard to claims 1-3, 8, 10-14 and 19-22 Doshi clearly discusses:

a. Synchronous communications (Col. 3, lines 41 – 67) between a first (Fig. 1, detail 148) and second unit (Fig. 1, detail 112) that include an address (Fig. 8, detail 833) or "modem address" associated with the second unit included in the first data packet or "PDU" (Col. 11, lines 29 – 42) according to claims 1 & 12.

- b. Time slot reservation (Fig. 16) and separation of time slots by a fixed time interval (Col. 14, lines 18 – 21) or “guard band” (Fig. 13A, detail 1300) in synchronous transmission according to claims 2 & 13.
- c. Asynchronous transfer (Col. 11, lines 15 – 28) using the remaining timeslots that include an address (Fig. 8, detail 813) associated with the destination unit according to claim 3 & 14.
- d. Wherein a set of time slots associated with a synchronous link are divided or “allocated and administered by a headend” into a plurality of frequencies (Col. 3, lines 42 – 53) or “separate RF channels” according to claims 10 & 11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 16-18, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi as applied to claim 3 above, and further in view of Brown et al. (USPN 6,011,784). In regard to claims 5, 16 and 24 Doshi describes all the features except for a duplex link where one node alternates between transmit and receive on time slots of an asynchronous link. In regard to claims 6, 7, 17 and 18 Doshi teaches all the features except the use of polling. Brown teaches that an asynchronous Time Division duplex link may transmit and receive alternately on the remaining slots (Fig. 4) in order to

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ensure that once one type of communications is done the remainder of the frame may be used for asynchronous communication (Col. 8, lines 24-31) and that using a polling system to effectively carry upward and downward communication concurrently (Col. 2 lines 1-9) can eliminate drawbacks such as limiting the utilization factor of the channel to a low value (Col. 1, lines 54-60). Therefore, it would have been obvious at the time of invention to one of ordinary skill in the art to further extend the disclosure of Doshi to make provisions for an asynchronous Time Division duplex link that alternates between transmitting and receiving among the time slots when motivated to use the entire frame and to use polling when motivated to have higher values for the utilization factor of the channel.

Allowable Subject Matter

5. Claims 4, 8, 9, 15, 19 - 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Waite whose telephone number is 703-305-7869. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Scott A. Waite
Examiner
Art Unit 2663

saw *gh*
February 5, 2003



CHAU NGUYEN
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